

"Express Mail" mailing number: EV501976714US  
Date of Deposit September 15, 2004  
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Patty Wilson  
Patty Wilson

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gunzburg et al.

Group Art Unit: 1632

**Serial No.: 09/058,546**

Examiner: Wilson, Michael C.

Filed: April 10, 1998

Docket No.: 1406/203  
(Formerly GSF98-02A)

Confirmation No.: 7592

For: RETROVIRAL VECTORS CARRYING SENESCENT CELL DERIVED  
INHIBITORS 1 (SDI-1) OR ANTISENSE SDI-1 NUCLEOTIDE SEQUENCES

\*\*\*\*\*

**REQUEST FOR CHANGE FROM LARGE ENTITY**  
**STATUS TO SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-noted U.S. patent application was initially filed as a "large entity". However, since the filing of the application, all rights in the application have been assigned to GSF-Forschungszentrum fuer Umwelt und Gesundheit GmbH, a nonprofit scientific organization having its place of business at Ingolstadter Landstrasse 1, D-85764 Neuherberg, Germany. A true and accurate copy of the Assignment is attached herewith. Accordingly, please change the status of the current pending application to "small entity".

Please contact the undersigned attorney should there be any questions.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date:

09/15/2004

By:

Arles A. Taylor, Jr.

Arles A. Taylor, Jr.

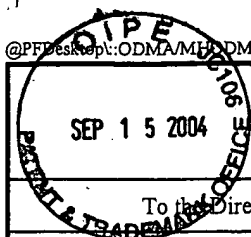
Registration No. 39,395

1406/203

AAT/CP/ptw

Customer No:

25297



## RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies)</p> <p style="margin-left: 20px;">Austrian Nordic Biotherapeutics AG</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <span style="margin-left: 100px;"><input type="checkbox"/> Merger</span></p> <p><input type="checkbox"/> Security Agreement <span style="margin-left: 100px;"><input type="checkbox"/> Change of Name</span></p> <p><input type="checkbox"/> Other _____</p> <p>Execution Date: Conveying Party: August 11, 2003 Receiving Party: August 27, 2003</p>	<p>2. Name and address of receiving party(ies)</p> <p>Name: <u>GSF-Forschungszentrum fuer Umwelt und Gesundheit GmbH</u></p> <p>Internal Address: _____</p> <p>Street Address: <u>Ingolstadter Landstr. 1</u></p> <p>City: <u>Neuherberg</u> State: <u>Fed. Rep. Germany</u> ZIP: <u>D-85764</u></p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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<p>4. Application number(s) or patent number(s):</p> <p>If this document is being filed together with a new application, the execution date of the application is: _____</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> <p>A. Patent Application No.(s)</p> <p style="margin-left: 20px;">09/058,546</p> <p style="margin-left: 20px;">(See Schedule A)</p> </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> <p>B. Patent No.(s)</p> </td> </tr> </table> <p style="text-align: center;">Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>A. Patent Application No.(s)</p> <p style="margin-left: 20px;">09/058,546</p> <p style="margin-left: 20px;">(See Schedule A)</p>	<p>B. Patent No.(s)</p>
<p>A. Patent Application No.(s)</p> <p style="margin-left: 20px;">09/058,546</p> <p style="margin-left: 20px;">(See Schedule A)</p>	<p>B. Patent No.(s)</p>		

<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: <u>Anne J. Collins, Esq.</u></p> <p>Internal Address: <u>Hamilton, Brook, Smith &amp; Reynolds, P.C.</u></p> <p>Street Address: <u>530 Virginia Road, P.O. Box 9133</u></p> <p>City: <u>Concord</u> State: <u>MA</u> ZIP: <u>01742-9133</u></p>	<p>6. Total number of applications and patents involved: <span style="float: right;">[ 1 ]</span></p> <p>7. Total Fee (37 C.F.R. 3.41)..... \$ <u>40.00</u></p> <p><input checked="" type="checkbox"/> Enclosed</p> <p><input checked="" type="checkbox"/> Authorized to charge any deficiencies or credit any overpayment to deposit account</p> <p><input type="checkbox"/> Authorization to charge deposit account number 08-0380</p> <p>Attach a copy of this page if paying by deposit account and filing via mail.</p> <p>Do not attach a copy of this page if paying by deposit account and filing via facsimile.</p>
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### DO NOT USE THIS SPACE

<p>8. Statement and signature.</p> <p><i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p>		
<p><u>Anne J. Collins</u></p> <p>Name of Person Signing</p>	<p><u>Anne J. Collins</u></p> <p>Signature</p>	<p><u>February 13, 2004</u></p> <p>Date</p>
<p>Total number of pages including cover sheet, attachments, and document: <span style="float: right;">[ 4 ]</span></p>		

Docket Nos. 2316.1002-000; 2316.1003-000; 2316.1004-000;  
2316.1007-000 and 2316.1008-000

ASSIGNMENT OF UNITED STATES PATENTS AND PATENT APPLICATIONS

Whereas, **Austrian Nordic Biotherapeutics AG**, a corporation existing under the laws of the country of AUSTRIA, having a place of business in **Veterinaerplatz 1, A-1210 Vienna, AUSTRIA** (hereinafter "Assignor") an owner of a certain entire right, title and interest in and to the United States Letters Patents and Patent Applications described in Schedule A attached hereto and made a part hereof (hereinafter "Patents") as set forth in the Assignment recorded on November 2, 2000, Reel 011231, Frames 0589-0594; and

Whereas, **GSF-Forschungszentrum fuer Umwelt und Gesundheit GmbH**, a corporation existing under the laws of the country of GERMANY, having a place of business in **Ingolstädter Landstrasse 1, D-85764 Neuherberg, GERMANY** (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to the Patents.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned and transferred, and by these presents does hereby sell, assign and transfer Assignor's entire right, title and interest in and to the Patents and all reissues and extensions thereof, including all claims, if any, which may have arisen for infringement of the patents prior to the date of this assignment, all said rights to be held and enjoyed by the Assignee for its own use and for the use of its successors, assigns or other legal representatives, to the full end of the term for which the Patents have been or will be granted, extended or reissued, as fully and entirely as the same would have been held and enjoyed by the Assignor if this assignment and sale had not been made.

Assignor further agrees that Assignor will, without demanding any further consideration therefor, at the request but at the expense of Assignee, do all lawful and just acts, including the execution and acknowledgment of instruments, that may be or become necessary for obtaining, sustaining, or reissuing the Patents, and for maintaining and perfecting Assignee's right to the Patents.

SCHEDULE A

UNITED STATES PATENTS

<u>FILE NUMBER</u>	<u>PATENT NO.</u>	<u>ISSUE DATE</u>	<u>TITLE</u>	
316.1004-000 (SF97-04A)	6,117,681	September 12, 2000	Pseudotyped Retroviral Particles	5

UNITED STATES PATENT APPLICATIONS

<u>FILE NUMBER</u>	<u>SERIAL NO.</u>	<u>FILING DATE</u>	<u>TITLE</u>	
316.1002-000 (SF97-02A)	08/925,214	September 8, 1997	Vectors That Repress Heterologous Promoter Activity	4
316.1003-000 (SF07-03A)	08/999,690	September 8, 1997	Vectors Carrying Therapeutic Genes Encoding Antimicrobial Peptides For Gene Therapy	3
316.1007-000 (SF98-01A)	09/035,596	March 5, 1998	The Use of the WAP or MMTV Regulatory Sequences For Targeted Expression of Linked Heterologous Genes in Human Mammary Cells, Including Human Mammary Carcinoma Cells	8
316.1008-000 (SF98-02A)	09/058,546	April 10, 1998	Retroviral Vectors Carrying Senescent Cell Derived Inhibitors 1 (SDI-1) or Antisense SDI-1 Nucleotide Sequences	9

IN WITNESS WHEREOF, Assignor has caused these presents to be signed by its duly authorized officer below named effective as of the date written below.

ACCEPTED BY:

GSF-Forschungszentrum Fuer Umwelt und Gesundheit GmbH

By: [Signature]

i.V. M. Name

i.A. Dr. J.K. Gerber

Head of the Legal Dept.

Manager of Patents and Technology

Titel: Leiter der Rechtsabteilung Patente und Technologietransfer

Date: 27. August 2003 27. August 2003

Witness: [Signature]

i.A. Name Syndikus und

Rechtsanwalt - Attorney

Address: Ingolstaedter Landstrasse 1

D-85764 Neuherberg

Date: 27. August 2003

27. August 2003

Austrian Nordic Biotherapeutics AG

By: [Signature]

Name

Title: CEO Vorstand

Date: 11 August 2003

Witness: [Signature]

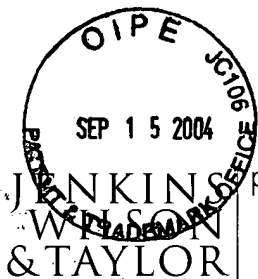
Name  
**Lars Villumsen**  
Advokat/Attorney-at-law

Address: Vanderveer Ave 37

DK- 2720 Vanlose

Date: 11/8-03

11/8-03



patent attorneys

09-16-04

RCE/1632/  
IFW

September 15, 2004

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

E. ERIC MILLS

BENTLEY J. OLIVE

MICHAEL J. CROWLEY

\*CHRIS PERKINS, PH.D.

\*\*JAMES DALY IV, PH.D.

JEFFREY CHILDERS, PH.D.

OF COUNSEL  
SOROJINI BISWAS

"Express Mail" mailing number EV501976714US

Date of Deposit September 15, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patty Wilson  
Patty Wilson

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/058,546 for  
RETROVIRAL VECTORS CARRYING SENESCENT CELL  
DERIVED INHIBITORS 1 (SDI-1) OR ANTISENSE SDI-1  
NUCLEOTIDE SEQUENCES  
Our Ref. No. 1406/203 (formerly GSF98-02A)

Sir:

Please find enclosed the following:

1. Request for Continued Examination (RCE) Transmittal (2 pgs);
2. Fee Transmittal Form - PTO/SB/17 (1 pg) in duplicate;
3. Amendment (48 pgs) including Exhibit A (30 pgs);
4. Replacement PTO-1449 (1 pg);
5. Information Disclosure Statement (2 pgs);
6. PTO-1449 (1 pg);
7. Copies of four (4) references;
8. Request For Change From Large Entity Status To Small Entity Status (6 pgs);

tel 919.493.8000  
fax 919.419.0383

Jenkins, Wilson & Taylor, P.A.  
JenkinsWilsonTaylor.com

University Tower, Suite 1400 | 3100 Tower Boulevard | Durham, North Carolina 27707

Commissioner for Patents  
September 15, 2004  
Page 2

9. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark date stamp thereon; and
10. A Certificate of Express Mail No.: EV501976714US.

Please contact our offices if there are any questions with respect to this matter.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.



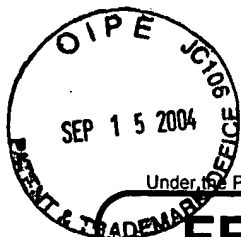
Arles A. Taylor, Jr.  
Registration No.: 39,395

AAT/ptw

Enclosures

Customer No: 25297





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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number	09/058,546
Filing Date	April 10, 1998
First Named Inventor	Walter H. Gunzburg
Examiner Name	Wilson, Michael C.
Art Unit	1632
Attorney Docket No.	1406/203 (formerly GSF98-02A)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0426

Jenkins, Wilson & Taylor

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	385.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 860.00

## SUBMITTED BY

Name (Print/Type)	Arles A. Taylor, Jr.	Registration No. (Attorney/Agent)	39,395	Telephone	919-493-8000
Signature		Date	September 15, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.